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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/761,040
Filing Date: January 16, 2001
Appellant(s): SALMI ET AL.

Geza C. Ziegler, Jr
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/29/2007 appealing from the Office action mailed 05/14/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 08/16/2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,487,663	Jaisimha et al.	11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-26 are rejected under 35 U.S.C. 102 (e) as being anticipated by Jaisimha et al. (U.S. Patent Number 6,487,663) hereinafter Jaisimha.

As per claim 1, A method for presenting information contained in user messages transmitted to a multimedia messaging system in a user interface of the multimedia terminal **[** See Figure 3, Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")**]**, in which method the message comprises address data indicative of a recipient of the user message **[**Jaisimha disclosed "IP address which is used by TCP/IP (transmission control protocol/internet protocol) to direct data to a particular application" (Column 8, Lines 48-50)**]** and at least one multimedia component **[** See Column 7, Lines 18-19, Jaisimha disclosed two components image and audio contained with in the message, and Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") is transmitted to the multimedia terminal in a multimedia message transmission system**]**, wherein in the method, a presentation model **[** See Column 7, Lines 1-23, SMIL presentation model enhancement of the multimedia components (also disclosed below) **]** is formed to contain information related to at least one component connected with the user message **[** Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")**]**, said presentation model is supplemented with a reference to the location of data related to presenting at least one component in said user message , said last recited user message being the same user message as said first user message **[**Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), **and** Column 7, Lines 18-25, having therein a location reference to the enclosed components in the message**]** said presentation model is added to said same user message **[**Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), since there is no different messages involved in the claim and/or the teachings of Jaisimha, the user message

disclosed is pointing to the said same user message see Column 5, Lines 11-29, Column 6, Line 67 through Column 7, Lines 25].

As per claim 2, the method according to claim 1, wherein said presentation model is set up in the terminal which transmits the message. [See Column 7, Lines 1-23 and Figure 3, Jaisimha taught a multimedia terminal generating the presentation model].

As per claim 3, The method according to claim 1, wherein said multimedia message transmission system comprises a multimedia message service center, in which messages addressed to the multimedia terminal are received to be transmitted further to the multimedia terminal, and that the presentation model is set up in the multimedia message service center [See Figure 3, showing a multimedia server "MMSC" sending multimedia messages to a mobile station and, See Column 7, Lines 1-23 multimedia server utilizing a presentation model (SMIL ™ of W3C) used in presenting the multimedia messages at a mobile user terminal].

As per claim 4, the method according to claim 1, wherein said presentation model is formed by using the SMIL format. [See Column 7, Lines 1-23, Jaisimha disclosed a presentation model SMIL].

As per claim 5, the method according to claim 1, wherein said data related to presenting the component comprises said component. [See Column 7, Lines 18-19, Jaisimha disclosed two components image and audio contained with in the message].

As per claim 6, the method according to claim 1, wherein said data related to presenting the component comprises the search address of said component. [See Column 7, Lines 18-19, Jaisimha disclosed a "src" or a source of the components used to search and execute the components

contained in the message and See Figure 3, showing a remote search locations for the components to be played or displayed on the mobile terminal].

As per claim 7, The method according to claim 1, wherein the user interface of the terminal for presenting the message comprises at least a display, at least one component comprises visual information, [See Column 7, Lines 18-19, Jaisimha disclosed a visual and audio components contained with in the message] wherein said presentation model is also supplemented with information about placing the component on said display [See Column 7, Lines 1-23, Jaisimha taught SMIL presentation which is used to coordinate placing and playing sequence of components contained in a multimedia message].

As per claim 8, The method according to claim 1, the user interface of the terminal for presenting the message comprises at least audio means at least one component comprises audio information, [See Column 7, Lines 18-19, Jaisimha disclosed a visual and audio components contained with in the message] wherein said presentation model is also supplemented with data about converting the component into audio information in the audio means. [See Column 7, Lines 1-23, Jaisimha taught SMIL presentation which is used to coordinate placing and playing sequence of components contained in a multimedia message where the components in the message are recognize by a sound controller and converted to audio].

As per claims 9 and 24, The method according to claim 1, said presentation model is also supplemented with information about the time of effect of the component, such as a display time of an image or a text, or a time of repeating a sound. [This limitation is inherent future of the known presentation model SMIL (Synchronized Media Integration Language), according to the specification of SMIL 1.0 published in 1998; W3C defines SMIL as "a markup language is designed

to present multiple media files together. For instance, instead of using a video with an integrated soundtrack, a separate video and sound file can be used and synchronized via SMIL. This allows users to choose different combinations, e.g., to get a different language sound track, and permits text transcripts to be optionally presented; both options have accessibility benefits." which allows integrating a set of independent multimedia objects into a synchronized multimedia].

As per claim 10, the method according to claim 9, the message comprises at least two components, wherein said presentation model is also supplemented with information about the mutual synchronization of the components. [this claim limitation is rejected for the same reason claim 9 is rejected above].

As per claim 11, the method according to claim 1, the message comprises at least two pages, wherein said presentation model is supplemented with data about the order of presenting the pages. [See Column 7, Lines 18-19, two different components image and audio components displayed in the user interface of a mobile terminal, See Figures 3-5 and See rejection made to claim 9 above].

As per claim 12, A system for transmitting multimedia user messages, [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")], comprising a transmitter configured to transmit [See Figure 1, a multimedia server transmitting multimedia components to a multimedia station] a user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")] to a multimedia terminal in a multimedia messaging system, the multimedia terminal comprises a user interface configured to present [See Figures 1, 3 & 5, having therein a graphical user interface to interact with the message, and a multimedia server(s) for transmitting multimedia messages to a user terminal(s)] information contained in the user messages [Column 9, Lines 56-

67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")], and each user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")] comprises address data indicative of a recipient of the user message and at least one multimedia component, [Jaisimha disclosed "IP address which is used by TCP/IP (transmission control protocol/internet protocol) to direct data to a particular application" (Column 8, Lines 48-50), See Column 7, Lines 18-19, two components image and audio contained with in the message] the system comprises a modification block configured to form a presentation model [See Column 7, Lines 1-23] in the user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")], the presentation model comprising information related to presenting at least one component in said user message, [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")] that said presentation model is supplemented with a reference to the location of data related to presenting at least one component in said user message, said last recited user message being the same user message as said first user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), See Column 7, Lines 18-25, having therein a location reference to the enclosed components in the message] and that said presentation model is added to said same user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), since there is no different messages involved in the claim and/or the teachings of Jaisimha, the user message disclosed is pointing to the said same user message] wherein the system comprises a compiling block configured to attach said presentation model in said same user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), since there is no different messages

involved in the claim and/or the teachings of Jaisimha, the user message disclosed is pointing to the said same user message. Furthermore, Jaisimha disclosed integrating the message in to a presentation model (SMIL) as recited in Column 7, Lines 5-25. In Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") and See Column 5, Lines 11-29, Column 6, Line 67 through Column 7, Lines 25].

As per claim 13, the system for transmitting multimedia messages according to claim 12, the terminal which transmits the message comprises a message set up block configured to set up the presentation model. [See Figure 3-5 and Column 7, Lines 1-23, Jaisimha disclosed a mobile station generating and setting the presentation model].

As per claim 14, the system for transmitting multimedia messages according to claim 12, it comprises a multimedia message service center which comprises a receiver configured to receive messages addressed to the multimedia terminal, a transmitter configured to transmit the messages further to the multimedia terminal, and a message set up block configured to set up a presentation model. [See Figures 1, 3-5 and Column 7, Lines 1-23, Jaisimha disclosed a mobile station generating and setting the presentation model].

As per claim 15, the system for transmitting multimedia messages according to claim 12, said presentation model is configured to use the SMIL format. [See Column 7, Lines 1-23, SMIL is used to present media components in a multimedia terminal].

As per claim 16, the system for transmitting multimedia messages according to claim 12, in which the user interface of the terminal presenting the message comprises at least a display, at least one component comprises visual information, wherein said presentation model is also supplemented

with data about placing the component on said display [This claim limitation is rejected for the same reason claim 3 is rejected above].

As per claim 17, the system for transmitting multimedia messages according to claim 12, in which the user interface of the terminal presenting the message comprises at least audio means, at least one component comprises audio information, wherein said presentation model is also supplemented with data about converting the component into audio information in audio means. [This claim limitation is rejected for the same reason claim 8 is rejected above].

As per claims 18 and 25, the system for transmitting multimedia messages according to claim 12, said presentation model is also supplemented with information about the time of effect of the component, such as the time of displaying an image or a text, or the time of repeating a sound. [This claim limitation is rejected for the same reason claim 9 is rejected above].

As per claims 19 and 20 are rejected for the same reason claim 9 is rejected above.

As per claim 21, A transmitting multimedia terminal which comprises a user interface configured to form user messages comprising address data indicative of a recipient of the user message [Jaisimha disclosed "IP address which is used by TCP/IP (transmission control protocol/internet protocol) to direct data to a particular application" (Column 8, Lines 48-50), Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")] of at least one multimedia component, and a transmitter configured to transmit the user messages [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")], the multimedia terminal also comprises a modification block configured to form a presentation model in the user message [

Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") and See Column 7, Lines 1-19, two components image and audio contained with in the message represented using a formed presentation language SMIL] which presentation model comprises information related to presenting at least one component added in the user message, [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") and See Column 7, Lines 18-19, components added] and which presentation model is supplemented with a reference to the location of information related to presenting at least one component in said user message[Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") and See Column 7, Lines 18-25, having therein a location reference to the enclosed components in the message] said last recited user message being the same user message as said first user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), See Column 7, Lines 18-25, having therein a location reference to the enclosed components in the message] and a compiling block configured to attach said presentation model in said same user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), since there is no different messages involved in the claim and/or the teachings of Jaisimha, the user message disclosed is pointing to the said same user message. Furthermore, Jaisimha disclosed integrating the message in to a presentation model (SMIL) as recited in Column 7, Lines 5-25. In Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") and See Column 5, Lines 11-29, Column 6, Line 67 through Column 7, Lines 25].

As per claim 22, A receiving multimedia terminal which comprises a receiver configured to receive user messages [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")], and a user interface configured to present information contained in the user messages [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")], [See Figure 3, showing a transmission means and a multimedia station having therein an interface for displaying the transmitted message] and each user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")] address data indicative of a recipient of the user message and at least one multimedia component, [Jaisimha disclosed "IP address which is used by TCP/IP (transmission control protocol/internet protocol) to direct data to a particular application" (Column 8, Lines 48-50), See Column 7, Lines 1-19, two components image and audio contained with in the message represented using a formed presentation language SMIL] the multimedia terminal also comprises an interpretation block configured to interpret a presentation model formed in a user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message")], which presentation model comprises information related to presenting at least one component, and which presentation model is supplemented with a reference to the location of information related to presenting at least one component in said user message, said last recited user message being the same user message as said first user message [Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") and See Column 7, Lines 18-25, having therein a location reference to the enclosed components in the message] wherein the multimedia terminal comprises a compiling block configured to find out said presentation model from said same user message. Since there is no different messages involved in the claim and/or the teachings of Jaisimha,

the user message disclosed is pointing to the said same user message and Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message") and see Figure 3 and Column 7, Lines 18-19, Jaisimha disclosed a multimedia terminal, locating the multimedia components within the message].

As per claim 23, the multimedia terminal according to claim 21, it is a mobile terminal. [See Figures 3-5, a mobile terminal displaying a multimedia message].

Claim 26 has substantially the same limitations as in claim 1 above. Thus, it is rejected with the same rationale.

(10) Response to Argument

In essence, the Appellant presents the following five arguments:

1. Appellant contends that "there is no disclosure or suggestion in Jaisimha related to presenting information contained in user messages of a multimedia terminal as recited in present claim 1" and that "there is no disclosure of, nor any discussion related to user message as described and claimed by applicants" (see Appellant, Brief, Page 15, ¶1).

   Examiner respectfully disagrees.

   Jaisimha taught messages been user messages (see Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages (i.e., a "user message")). The user created message is transmitted for display on a mobile playback component (see Fig. 1 # 122, also disclosed below, which disclosed presentation of a message communicated to a user terminal # 122), the presentation being a SMIL, which is

used to coordinate placing and playing sequence of components contained in a multimedia message (see Jaisimha Column 7, Lines 1-19).

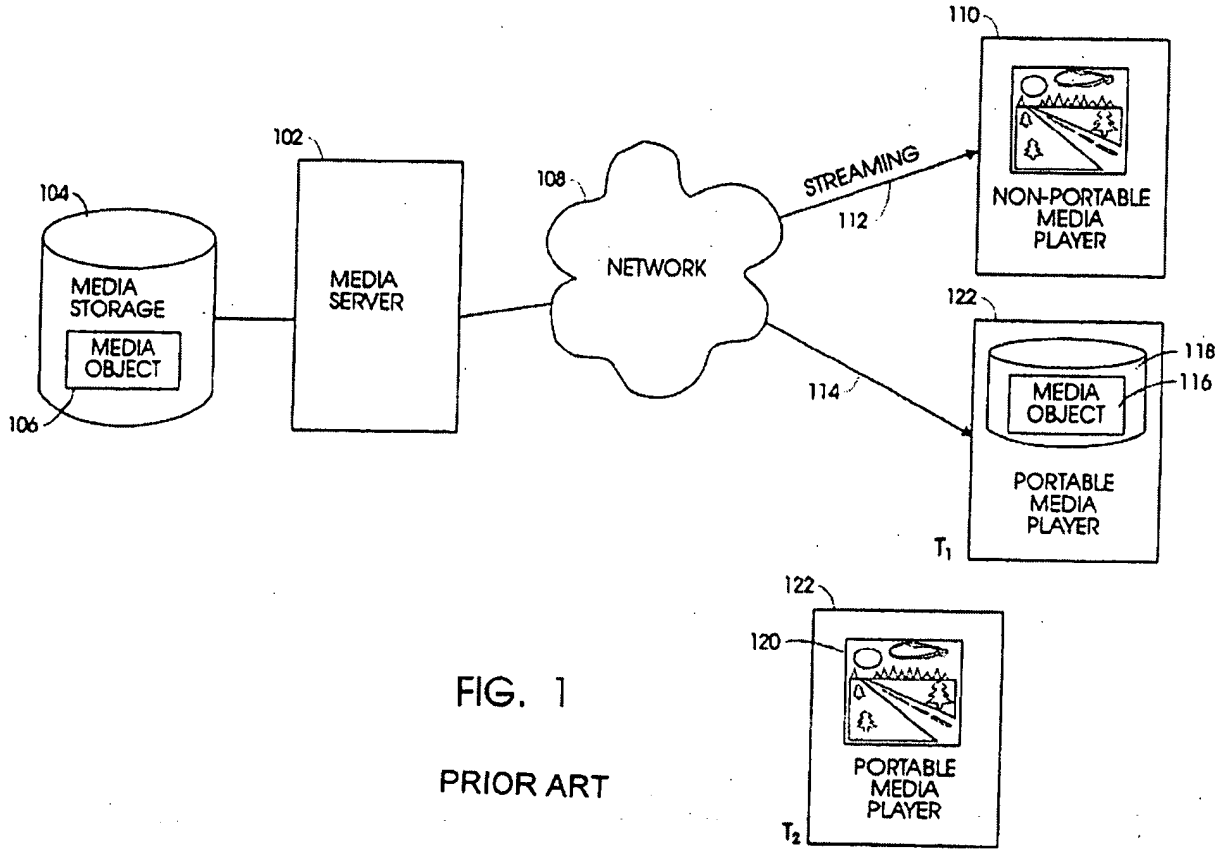

FIG. 1

PRIOR ART

2. Appellant contends that Jaisimha does not teach "address data indicative of a recipient of the user message" (Appellant's Brief, Page 15, Lines 27-28).

Examiner respectfully disagrees.

Jaisimha disclosed "IP address which is used by TCP/IP (transmission control protocol) internet protocol) to direct data to a particular application" (Column 8, Lines

48"50). Furthermore, note that the teachings of Jaisimha is directed to multimedia communication utilizing SMIL ™ (which is a trademark of the W3C) presentation model, communicating multimedia messages (audio, video or other multimedia messages) to communication devices (such as a mobile station) over a network (See Jaisimha Figure 3, & Fig. 1. Column 5, Lines 11-29, Column 7, Lines 18-19, Lines 1-23, Column 9, Lines 56-67). Looking at one of the conventional multimedia communication addressed by Jaisimha shows that a multimedia server, streaming media object to a non-portable device with a media player and in the alternative transmitting the **media object** itself (i.e., "user message") as a whole to the portable media player of the mobile device. Since the message is transmitted (say streamed or uploaded or downloaded to/at the portable mobile station) to remote user terminal, as a UDP or TCP packet message, an "address data indicative of a recipient of the user message" (target/destination IP address within the message packet header) is inevitably inherent.

3. Appellant contends that Jaisimha does not teach "that the user message is transmitted to the multimedia terminal in a multimedia messaging system" (Appellant's remark, Page 16, Lines 16-17). Further, the Appellant recites "there is absolutely no disclosure of suggestion of a user message or the transmission of a user message over a multimedia messaging system in Jaisimha" (Appellant's Brief, Last 2 Lines of Page 17).

Examiner respectfully disagrees.

This line of argument is partially already answered in the response to the first argument disclosed above. Further, as shown in Figs. 1 and 5, multimedia messages are communicated to multimedia terminals (# 110, # 122) over a communication network including multimedia

server storing therein media objects (see Figs. 3&5, showing multimedia server, # 102 & # 502). Jaisimha recites, "In other cases, however, a **media receiving device receives an entire video clip, audio clip, or image and stores it in a non-volatile memory**. This type of transmission of media data may be referred to as "faster than real time reliable download" or FTRRD mode. Once a media object 106 has been transmitted in FTRRD mode, **the user may then play the media object 106 at a later time regardless of whether the user is connected to a network. Such a user may also play the video or audio clip or view the image numerous times"** (Jaisimha, Column 4, Lines 57-65).

4. Appellant contends that Jaisimha does not teach "a user message comprises at least one multimedia component" (Appellant's Remark, Page 18, Lines 14-15). Further, Appellant alleges that Jaisimha fails to disclose or suggest "a presentation model is formed to contain information related to at least one multimedia component included in the user message, said presentation model is supplemented with a reference to the location of data in said user message related to presenting the at least one multimedia component included in the user message" (Appellant's Brief, Page 19, ¶2). Appellant recites, "Jaisimha discloses only sending text to a user's display in the form of a hyperlink on a web page and nothing more). (Appellant's Brief, Page 18, ¶2).

Examiner respectfully disagrees for the following reasons:

Jaisimha clearly disclosed plurality of multimedia components including video, audio, text, images [see Abstract ("If so, the media server transmits the media file using the desired type of transmission, and the media player renders the media data into video, sound or image signals. If the media player receives the media data using a type of transmission that permits

storing the media data locally, the media player may transfer the media data to a portable media player ...", Column 1, Lines 36-47 ("...a media object (e.g., video clip, audio clip, image)..." and Column 4, Lines 40-65 ("... a media object 106 such as, for example, a video clip, audio clip, or graphical image. The media server 102 transmits the media data via a network 108 to media receiving devices ... transmission of media data may be referred to as streaming ... In other cases, however, a media receiving device receives an entire video clip, audio clip, or image and stores it in a non-volatile memory...")]. Furthermore, Jaisimha disclosed plurality of multimedia components along with a presentation model (SMIL ™) communicated to a mobile station as recited in Column 7, Lines 5- 25. In Column 9, Lines 56-67, Jaisimha disclosed a user creating a multimedia video/audio contents/messages ("user message"), having therein a location reference to the enclosed components in the message (See SMIL, Column 7, Lines 18-25, disclosed below).

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Integration Language) may also be referred to by hyperlinks. It will be similarly appreciated that SMIL files (typically having the extension ".smi") can reference a media object **318**. One example of a SMIL file has a file name of "foo.smi" and includes the following tags:

```
<smil>
  <head>
    <layout>
      <root-layout height="320" width="320"
        background-color="black"/>
      <region id="images" left="40" top="40" height=
        "240" width="240"/>
    </layout>
  </head>
  <body>
    <seq>
      <par>
        <img src="titanic.rp" region="images"/>
        <audio src="foo.rm" clip-end="2.25min"/>
      </par>
    </seq>
  </body>
</smil>
```

In the above example, the "src" parameter of the "<audio" tag specifies the media object **318**, namely "foo.rm".

Multimedia components wrapped in a presentation model (SMIL), referenced to location of each multimedia components in a message

5. Appellant further argues that **Jaisimha fails to teach a multimedia service center** where messages addressed to a multimedia terminal are received to be transmitted to the multimedia terminal and the presentation model being set up in the multimedia message service center as recited in a dependent claims 3 and 14 (see Appellant's Brief, Page 21, ¶3).

Examiner respectfully disagrees.

In Figure 3, Jaisimha shows a multimedia server "MMSC" sending multimedia messages to a mobile station and, the multimedia server utilizing a presentation model (SMIL ™ of W3C, see Column 7, Lines 5- 25. In Column 9, Lines 56-67) used in presenting the multimedia messages at a mobile user terminal.

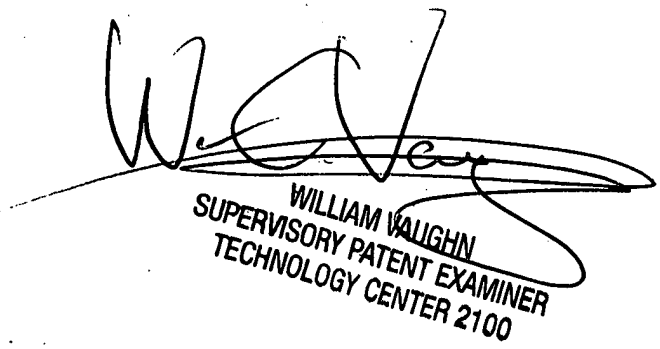
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Y.M.
Yemane Mesfin
Examiner, Art Unit 2144



Conferees:

***